

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference B040028WO01-	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2005/001025	International filing date (<i>day/month/year</i>) 26 January 2005 (26.01.2005)	Priority date (<i>day/month/year</i>) 30 January 2004 (30.01.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KANEKA CORPORATION			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																
<p>3. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/> Box No. VI	Certain documents cited	<input type="checkbox"/> Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application
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<input checked="" type="checkbox"/> Box No. VIII	Certain observations on the international application															

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No. +41 22 338 82 70</p>	<p>Date of issuance of this report 22 August 2006 (22.08.2006)</p>
	<p>Authorized officer</p> <p>Yoshiko Kuwahara</p> <p>e-mail: pt07@wipo.int</p>

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
B040028WO01-

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2005/001025

International filing date (day/month/year)
26.01.2005

Priority date (day/month/year)
30.01.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant
KANEKA CORPORATION

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001025

Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001025

Box No. V. Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1 - 4</u>	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	<u>1 - 4</u>	NO
Industrial applicability (IA)	Claims	<u>1 - 4</u>	YES
	Claims		NO

2. Citations and explanations:

Document 1: JP, 2-132174, A (Kaneka Corp.), 21 May, 1990 (21.05.90)
 Document 2: JP, 60-35069, A (Kaneka Corp.), 22 February, 1985 (22.02.85)
 Document 3: JP, 59-71377, A (Kaneka Corp.), 23 April, 1984 (23.04.84)
 Document 4: JP, 61-116327, A (Sekisui Chemical Co., Ltd.), 03 June, 1986 (03.06.86)
 Document 5: JP, 2003-105303, A (DiaBond Kogyo Kabushiki Kaisha), 09 April, 2003 (09.04.03)

The subject matters of claims 1-4 do not appear to involve an inventive step according to the contents disclosed in documents 1-5 cited in the ISR.

In documents 1-5, a polyoxyalkylene polymer having a hydrolysable silyl group on the end including an average molecular weight of 15,000, and an adhesive composition containing a tackifier resin and a curing catalyst is disclosed.

When comparing each of the inventions disclosed in documents 1-5 and claims 1-4, in each of the inventions of claims 1-4, an oxyalkylene polymer has a hydrolysable silyl group per molecule of an equivalent weight of 0.3 - 0.7, and according to the invention of claim 2, in regard to Mw/Mn of a hydrolysable silyl group containing a polymer being 1.6 or less, in documents 1-5 the matter concerning the silyl group containing weight of a hydrolysable silyl containing polymer and Mw/Mn not being specifically disclosed is to some extent dissimilar.

However, even examining the disclosed content of this international written application, assuming a hydrolysable silyl group containing polymer, using a substance that has the above-mentioned silyl group containing weight and the above-mentioned Mw/Mn value compared with the use of other substances is not recognized as accomplishing significant actual results, and in each of the inventions disclosed in documents 1-5, regarding the selective use of hydrolysable silyl group containing polymer having the above-mentioned silyl group containing weight and the above-mentioned Mw/Mn value, it is not recognized as being a matter of exceptional technical difficulty.

Therefore, the subject matters of claims 1-4, based on the inventions disclosed in each of the above-mentioned documents, are matters easily conceived by a person skilled in the art.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001025

Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2004-1157803 A [E, X]	15.04.2004	26.08.2003	06.09.2002

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2005/001025

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

In this international written application, against all end functional groups of source polyoxyalkylene glycol, regarding the examples that use hydrolysable silyl group containing polymer from introducing silane compounds of equivalent weights of 0.4 - 0.8, the practical examples and comparative examples of the invention disclosed in this claim are disclosed. Although there are no disclosures concerning other specific practical examples, from the stand point of technical common sense, source polyoxyalkylene glycol has an end functional group of two or more per molecule and the introducing of a silane compound of an equivalent weight of 0.4 or more for all the end functional groups or the introducing of a silane compound of an equivalent weight of 0.8 or more per source polymer molecule is recognized as being meaningful.

Consequently, the corresponding relationship between "containing an equivalent weight of 0.3 - 0.7 of a hydrolysable silyl group in one molecule" and the disclosed content concerning the above-mentioned practical examples of this application is unclear. Also, in this application, since there is no specific disclosure concerning the use of hydrolysable silyl group containing polymer that has an equivalent weight of 0.3 - 0.7 of a hydrolysable silyl group in one molecule, claims 2-4 directly citing claim 1 and claim 1 is not recognized as sufficiently technically supported by the disclosed contents of this application.